

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:05CR85 HEA
)	
OTIS McALLISTER,)	
)	
Defendant.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on defendant McAllister's Motion to Suppress Evidence and Statements, [Doc. No. 17], to Suppress Electronic Surveillance, [Doc. No. 18], to Suppress Evidence and Statements, [Doc. No. 106], to Suppress Wiretap Evidence, [Doc. No 108], and to Suppress Identification Testimony, [Doc. No. 110]. The Court referred this matter to United States Magistrate Judge David Noce for a Report and Recommendation pursuant to 28 U.S.C. § 636(b).

On May 26, 2005, an evidentiary hearing was held. Evidence was offered during the hearing. Judge Noce filed his recommendation on September 8, 2005 that defendant's motions be denied. No objections to the report and recommendation have been filed.

The Court has considered Judge Noce's reasoning for his recommendation

and agrees with Judge Noce's conclusions.

Accordingly,

IT IS HEREBY ORDERED that the Motion to Suppress Evidence and Statements, [Doc. No. 17], the Motion to Suppress Electronic Surveillance, [Doc. No. 18], the Motion to Suppress Evidence and Statements, [Doc. No. 106], the Motion to Suppress Wiretap Evidence, [Doc. No 108], and Motion to Suppress Identification Testimony, [Doc. No. 110] filed by defendant McAllister, are denied.

Dated this 27th day of September, 2005.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE